

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SHOCKWATCH, INC.,

Plaintiff,

v.

WAN-YO ENTERPRISE CO., LTD.,

Defendant.

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CAUSE NO. WA-23-CV-819-KC

ORDER

On this day, the Court considered the above-captioned case. Plaintiff filed its Complaint, ECF No. 1, on November 29, 2023. After more than ninety days had passed and Plaintiff had not filed proof of service on Defendant Wan-Yo Enterprise Co., Ltd., the Court ordered Plaintiff to file proof of service on Defendant no later than March 6, 2024. Feb. 28, 2024, Order, ECF No. 6. On March 6, Plaintiff requested, and the Court granted, another sixty days to serve Defendant, which is in Taiwan. *See* Mot. Extend Time Serve Def., ECF No. 7; Mar. 7, 2024, Order 1–2, ECF No. 8. Plaintiff filed proof of service on Defendant on March 14, 2024. *See* Summons Returned Executed, ECF No. 9. But the process server’s documentation of service was somewhat conflicting, and it remained unclear whether Plaintiff properly effected service on Defendant. *See id.* at 2 (showing service was made on individual designated to accept service on Defendant’s behalf and stating summons was returned unexecuted because Defendant “did not have a place of business at th[e] address”). Accordingly, the Court ordered Plaintiff to file a status report if it had not properly served Defendant or to move for entry of default and a default judgment and show that it properly served Defendant. May 1, 2024, Order, ECF No. 10.

Plaintiff filed its Status Report, ECF No. 11, on May 15, informing the Court that counsel

for both parties had been in communication regarding settlement and requesting that Defendant be allowed until June 3 to respond to the Complaint. *Id.* at 1. The Court construed the Status Report as a motion to extend Defendant's answer deadline and ordered Defendant to file an answer or otherwise respond to the Complaint no later than June 3, 2024. May 16, 2024, Order, ECF No. 12. When Defendant did not timely respond, Plaintiff moved for entry of default, which the Clerk entered on June 17, 2024. *See* Mot. Clerk's Entry Default, ECF No. 13; Clerk's Entry Default, ECF No. 14. In the weeks since, Defendant still has not appeared and Plaintiff has not moved for a default judgment.

Accordingly, the Court **ORDERS** Plaintiff to move for a default judgment against Defendant, **on or before July 17, 2024**, if it intends to seek a default judgment.

IT IS FURTHER ORDERED that, if Plaintiff does not intend to seek a default judgment, it shall file a status report **on or before July 17, 2024**, informing the Court of the status of its claims against Defendant and how it intends to proceed.

SO ORDERED.

SIGNED this 3rd day of July, 2024.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE